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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues
Against:

Case No. 2011-628

12 **JASMINE LEE SCHLABES**
13 **225 Juniper Street**
14 **Vacaville, CA 95688**
Registered Nurse License

STATEMENT OF ISSUES

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely
20 in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 **Application for Licensure by Examination for a Registered Nurse License**

23 2. On or about June 1, 2010, the Board received an Application for Licensure by
24 Examination from Jasmine Lee Schlages ("Respondent"). On or about April 8, 2010, Jasmine
25 Lee Schlages certified under penalty of perjury to the truthfulness of all statements, answers, and
26 representations in the application. The Board denied the application on September 8, 2010.

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STATUTORY PROVISIONS

3. Section 2736 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board of Registered Nursing may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under Code section 480.

4. Code section 480 states, in pertinent part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(3) (A) Done any act that if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license.

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

FIRST CAUSE FOR DENIAL OF APPLICATION

(Criminal Conviction)

6. Respondent's application is subject to denial pursuant to Code sections 480, subdivision (a)(1) and 2761, subdivision (f), in that on or about January 4, 2010, in the Superior Court, County of Contra Costa, Walnut Creek, California, in the matter entitled *People vs. Jasmine Lee Schlages*, 2009, Case No. 145923-9, Respondent was convicted following her plea of no contest to a violation of Vehicle Code section 23152, subdivision (a) (driving under the influence of alcohol or drugs), a misdemeanor. The circumstances of the crime are that on or about August 9, 2009, following a traffic collision caused by Respondent, she was arrested for driving under the influence of alcohol. Respondent's blood alcohol level measured 0.14% and

0.15%. Such conduct is substantially related to the qualifications, functions, and duties of a licensed registered nurse.

SECOND CAUSE FOR DENIAL OF APPLICATION

(Acts if Done by a Licentiate Constitute Cause for Suspension or Revocation of a License)

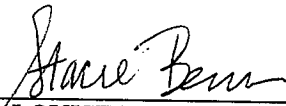
7. Respondent's application is subject to denial pursuant to Code section 480, subdivision (a)(3)(A), in that Respondent committed acts which if done by a licentiate of the profession would be grounds for suspension or revocation of a license pursuant to Code sections 2761, subdivision (f) (conviction of a crime), 2762, subdivision (c) (convicted of a crime involving the consumption of alcohol), and 2762, subdivision (b) (used alcohol to an extent or in a manner dangerous or injurious to herself).

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Jasmine Lee Schlages for a Registered Nurse License; and,
2. Taking such other and further action as deemed necessary and proper.

DATED: 1-13-2011


for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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